

REMARKS

This is a response to the Office Action of August 3, 2007. Applicants have carefully considered the rejections of the Examiner in the above-identified application. In light of this consideration, Applicants believe that the claims as now amended are allowable. Applicants respectfully request reconsideration of the rejection of the claims now pending in the application.

In the first office action claims 1-37 where provisionally rejected under the doctrine of double patenting. New drawings where indicated as required. Claims 1-13, 16-31, 36 and 37 where rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,112,203 to Bharat et al. (hereinafter Bharat). Claims 14, 15, and 32-35 where rejected under 35 U.S.C. §103(a) as being unpatentable over Bharat as applied to claims 1-13, 16-31, 36 and 37, and further in view of U.S. Patent No. 6,877,002 to Prince (hereinafter Prince).

In the second office action claims 1-37 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1, 16 and 27, were rejected under 35 U.S.C. §112. Claims 1-6, 10-13, 16-20, 25-31, 36, and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bharat in further view of U.S. Patent No. 5,924,104 to Earl (hereinafter Earl). Claims 7-9, 14, 15, 21-24 and 32-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bharat and Earl in further view of Prince.

In this third office action claims 1-37 have been rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Rejection of claims 1, 16 and 27, have been under 35 U.S.C. §112 has been withdrawn. Claims 1-6, 10-13, 16-20, 25-31, 36, and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bharat in further view of Earl. Claims 7-9, 14, 15, 21-24 and 32-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bharat and Earl in further view of Prince.

Claims 1-37 have been rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. The claims as now amended are believed to overcome that rejection. A document representation stored in memory will be understood by those skilled in the art as being very much included as "anything under the sun that is made by man". Further a document is clearly an item of manufacture, either as hardcopy (such as a book/magazine etc.) or as data stored on some memory media (such as digital data stored on a hard-drive, ROM/RAM memory, etc.). Further the claimed invention here directed to a methodology of assembling a document representation stored in memory does not fall within one of the judicially created exceptions, it is not directed to an abstract idea, natural phenomena, or law of nature. The claimed invention here is directed to a methodology of assembling a document representation stored in memory for subsequent viewing or printing by a user, and is thus useful and directed to a practical application. Further, the claimed invention is drawn to a transformation of web page data into a document representation stored in memory.

The Examiner is directed to: "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" to be found at: http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/guidelines101_20051026.pdf; and in particular page 16 thereof where it is stated:

"If the invention as set forth in the written description is statutory, but the claims define subject matter that is not, the deficiency can be corrected by an appropriate amendment of the claims. In such a case, USPTO personnel should reject the claims drawn to nonstatutory subject matter under 35 U.S.C. § 101, but identify the features of the invention that would render the claimed subject matter statutory if recited in the claim."

This last item as bolded, italicized, and underlined, has not been done. If the Examiner wishes to provide such input, the Applicants are very willing to consider such a suggestion.

The 35 U.S.C. §101 rejection has been overcome with the amendment of the claims. The Applicants respectfully allowance of claims 1-37.

Claims 1-6, 10-13, 16-20, 25-31, 36, and 37, have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bharat in further view of Earl. Bharat teaches that in a computerized method, a set of documents is ranked according to their content and their connectivity by using topic distillation. The documents include links that connect the documents to each other, either directly, or indirectly. A graph is constructed in a memory of a computer system. In the graph, nodes represent the documents, and directed edges represent the links. Based on the number of links connecting the various nodes, a subset of documents is selected to form a topic. A second subset of the documents is chosen based on the number of directed edges connecting the nodes. Nodes in the second subset are compared with the topic to determine similarity to the topic, and a relevance weight is correspondingly assigned to each node. Nodes in the second subset having a relevance weight less than a predetermined threshold are pruned from the graph. The documents represented by the remaining nodes in the graph are ranked by connectivity based ranking scheme.

It is essential to the understanding Bharat that *Bharat is directed to a search engine* and as such is sorting through pages already identified by a simple word string search (please see column 1, lines 14-54). Bharat is concerned with solving the problem of answering a search engine query, and thus with ranking a set of documents to point to in response to that query. The Applicants however, are teaching that having identified where one document page is, how to find and pull together all relevant pages associated with that document into a single coherent document (please see page 5, first paragraph, of the Applicant's specification). A single coherent document representation suitable for subsequent printing and downloaded viewing. As such the Applicants teach "to weed out links which have properties that are not characteristic of *intra*-document links" and thus eschew all other documents. Bharat on the other hand, will not link (i.e. reject) self referencing pages so as not to unduly influence the search outcome (see column 5, lines 17-20) where Bharat provides:

"If a link points to a page that is represented by a node in the graph, and both pages are on *different* servers, then a corresponding edge 213 is added to the graph 211. **Nodes representing pages on the same server are not linked. This prevents a single Web site with many self-referencing pages to unduly influence the outcome.** This completes the n-graph 211."

Thus Bharat is interested in only *inter*-document links for the sake of ranking links. Bharat does not assemble a single coherent document but a link list of search results responsive to a word query. Thus Bharat does NOT examine "the collective set of identified candidate document pages to weed out links which have properties that are not characteristic of *intra*-document links".

In the current office action at Page 4, the Applicant's specification at page 7 lines 26-30 is cited as being consonant with the teachings of Bharat. This could not be more incorrect. Bharat teaches away from the Applicants' invention. The Applicants teach to embrace that which Bharat discards. The cited text from the Applicants' specification page 7, lines 9-22 follows:

"The link analysis process begins with the retrieval of the actual page 270 for analysis from the page identifier 110. This is done as will be well understood by those skilled in the art, by the page retrieval process 260. The retrieved page 270 is then used as input to both the progression-link identification module 210 and the link-cluster identification module 220. In the progression-link identification module 210, possible progression links 230 are identified primarily by means of a progression indicator, which is a textual or graphical clue that suggests the nature of the progression link. Link-cluster identification module 220 examines the page data 270 to identify link clusters and thereby possible table of content type links 240. *The possible progression links 230 and possible table of content links 240 are passed to module 250 for a final examination to weed out links which have properties that are not characteristic of typical intra-document links,*

e.g. they point to a different web server. The final result is then a list of intra-document links 120 for the candidate page 270."

To paraphrase, the possible links are passed, to weed out those links which are not characteristic of typical intra-document links. An example of the links which are weeded out are those which point to a different web server. These links are not likely to be part of the document the Applicants are trying to assemble. Bharat does just the opposite as noted above so as to not unduly influence the outcome of the results to the user query.

Earl fails to provide what Bharat lacks, nor does it provide any teaching relating to the Applicants' claimed invention. Earl provides link lists like Bharat but provides different presentation styles for the links to a user depending on whether they are intra-document or inter-document. Actually what Earl defines as intra-document is what the Applicants would call intra-page, i.e. a link pointing to a location somewhere further down the same page. And thus what Earl calls inter-document is really inter-page. The teaching found in Earl is simply about providing some indicia to the viewer as to whether a hyper link will take the user elsewhere down the present page or to an entirely different page.

The Applicants in the specification on page 6, lines 30-33 provide their definition of "intra-document":

"The first step for an automated system for the identification of multi-page documents is to identify links within a given web page that may link to other pages within the same document. Such links are referred to as intra-document links."

The Applicants are assembling a document, and having identified the current page, have no interest in self referential links to that same page (they already have it) and thus would discard, or weed out, those links which Earl keeps.

Indeed the Examiner in an office action of June 2, 2006, for a co-pending sister Application provides a definition for "weed out" from Encarta (on page 11 of that office action) as "to separate out something undesirable" but then seems to misapply that definition. Earl, having made a discrimination between two

type of links, **keeps** all those links. Choosing only to display them differently. The Applicants having discriminated between links to find some as not pointing to more of the desired document, **discards** or weeds out those links. A gardener, having spotted a weed, does not keep that weed in their flower bed to display differently. Thus Earl also does NOT examine "the collective set of identified candidate document pages to *weed out links* which have properties that are not characteristic of typical *intra*-document links".

Therefore, Earl in turn fails to provide what Bharat lacks, and thus the combination of Bharat and Earl fail to provide the requirements for a Prima Facie case of obviousness and thus the rejection is improper. The Applicants respectfully request reconsideration and allowance of claims 1-6, 10-13, 16-20, 25-31, 36, and 37.

Claims 7-9, 14, 15, 21-24 and 32-35, are rejected under 35 U.S.C. §103(a) as being unpatentable over Bharat and Earl in view of Prince. As claims 7-9, 14, 15, 21-24 and 32-35, depend from claims deemed allowable, they should be allowable as well. The Applicants respectfully request allowance of claims 7-9, 14, 15, 21-24 and 32-35.

The Applicants respectfully request reconsideration of the claims as now amended.

No additional fee is believed to be required for this amendment; however, the undersigned Xerox Corporation attorney authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is hereby requested to call the undersigned attorney at (585) 423-6918, Rochester, NY.

Respectfully submitted,

/Christopher D. Wait, Reg. #43,230/

Christopher D. Wait
Attorney for Applicant(s)
Registration No. 43,230
Telephone (585) 423-6918

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CDW/fsl
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644